

Hon. J. Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DONNITTA SINCLAIR, Mother of Deceased
HORACE LORENZO ANDERSON, JR.,
individually,

Plaintiff,

vs.

CITY OF SEATTLE, a municipality,

Defendant.

No. 2:21-cv-00571

JOINT STATUS REPORT AND
DISCOVERY PLAN

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, LCR 26(f), and the Court's Order Regarding Initial Disclosures, Joint Status Report and Early Settlement, Dkt. No. 11, entered on July 13, 2021, counsel for the parties conducted a telephone conference on July 21, 2021.

The parties hereby present their Joint Status Report as follows:

1. **Statement of the Nature and Complexity of the Case:** This is an action under 42 U.S.C. § 1983 in which Plaintiff alleges a deprivation of her liberty interest in the companionship and society of her child that violates the Substantive Due Process Clause of the 14th Amendment. Defendants deny Plaintiff's allegations and deny that Plaintiff is entitled to

1 damages. The parties agree this case is not complex, in terms of the number of documents
2 at issue and the legal issues. Given the nature of the events at issue, there may be a large
3 number of witnesses.

4 2. **Deadline for the joining of additional parties:** The parties jointly propose January 31, 2022,
5 as the deadline for joining additional parties.

6 3. **Discovery Plan:** The parties report as follows regarding the items set forth in Fed. R. Civ.
7 26(f)(3):

8 A. **Initial disclosures:** The parties exchanged initial disclosures on August 17,
9 2021.

10 B. **Subjects, timing, and potential phasing of discovery:** Plaintiff intends to
11 conduct discovery regarding the allegations in Plaintiff's Complaint, Defendant's affirmative
12 defenses, and testimony of any expert witness identified by Defendants. If the Court determines
13 Plaintiff has stated a claim upon which relief may be granted, Defendant will seek discovery regarding
14 the allegations in Plaintiff's Complaint, Plaintiff's damages, Defendant's affirmative defenses, and
15 testimony of any expert witnesses identified by Plaintiff, as well as discovery from third parties to
16 identify the private actors who caused the damages and injuries identified by Plaintiff in the complaint.

17 The parties propose that discovery be completed by April 29, 2022. The parties propose
18 deadlines of 90 days prior to the discovery cutoff for plaintiff's expert disclosures and 60 days prior to
19 the cutoff for defendant's expert disclosures.

20 The parties do not foresee the need for additional phasing of discovery.

21 C. **Electronically stored information:** The parties have discussed discovery of
22 electronically stored information (ESI) and have agreed that the parties will exchange ESI as
23 searchable PDFs or natives when applicable. The parties have agreed to work together collaboratively

1 regarding search parameters for electronic communications if the need should arise. If discovery of
2 ESI becomes more complex or voluminous than anticipated, the parties have agreed that they will
3 negotiate a proposed order based on the Western District of Washington's Model Agreement
4 Regarding Discovery of Electronically Stored Information and submit it to the Court for consideration.

5 **D. Privilege issues:** The parties do not anticipate any privilege issues arising. The
6 parties agree that non-waiver and clawback are governed by Federal Rule of Civil Procedure
7 26(b)(5)(B) and ER 502.

8 **E. Proposed limitations on discovery:** The parties do not foresee the need for
9 limitation on discovery at this time, but will bring any issues that may arise regarding scope to the
10 Court's attention.

11 **F. The need for any discovery related orders:** The parties have discussed the
12 possibility that discovery may encompass confidential or sensitive materials. In that event, the parties
13 have agreed that they will negotiate a proposed order based on the Western District of Washington's
14 Model Stipulated Protective Order and submit it for the Court's consideration.

15 **4. The parties report as follows regarding the items set forth in Local Civil Rule 26(f)(1):**

16 **A. Prompt case resolution:** The parties have not engaged in preliminary
17 settlement discussions. The parties have discussed mediation as a possible option at a later date.

18 **B. Alternative dispute resolution:** The parties are mindful of the potential
19 benefits associated with early or other participation in mediation or other dispute resolution processes.
20 They are not prepared to engage in alternative dispute resolution at this time, but they will continue to
21 evaluate the potential benefits of doing so as the litigation progresses. Mediation or other ADR may
22 be helpful after the parties have engaged in or finished discovery.

23 **C. Related cases:** The parties are not aware of any related cases.

1 **D. Discovery management:** The parties have discussed the nature of discovery
2 in this case and the issues set forth in LCR 26(f)(3)(D). The parties do not anticipate that discovery in
3 this matter will be complex, voluminous, or contentious. The parties agree to work cooperatively to
4 avoid unnecessary discovery disputes and discovery costs.

5 **E. Anticipated Discovery Sought:** Please see Section 3(B) above.

6 **F. Phasing of motions:** The parties do not anticipate the need for specific phasing
7 of motions.

8 **G. Preservation of discoverable information:** Both parties represent that they
9 have taken adequate steps to preserve potentially discoverable information relating to the litigation.
10 The parties have discussed possible issues that may arise regarding text messages that were not retained
11 by the City.

12 **H. Privilege issues:** Please see Section 3(D) above.

13 **I. Model Protocol for Discovery of ESI:** Please see Section 3(C) above.

14 **J. Alternatives to Model Protocol:** Please see Section 3(C) above.

15 5. **Completion of discovery:** The parties anticipate that discovery can be completed by April 29,
16 2022.

17 6. **Bifurcation:** The parties do not believe that the trial should be bifurcated.

18 7. **Pretrial statements/pretrial order:** The parties do not believe that the pretrial statements or
19 pretrial order should be dispensed with in whole or in part.

20 8. **Individualized Trial Program:** The parties do not intend to utilize the
21 Individualized Trial Program as set forth in Local Civil Rule 39.2 or the Alternative Dispute
22 Resolution Program as set forth in Local Civil Rule 39.1. The parties have discussed the possibility
23 of private mediation in the event that this case proceeds.

1 **9. Suggestions for shortening or simplifying the case:** The parties do not have any
2 additional suggestions for shortening or simplifying the case.

3 **10. Date of trial:** The parties anticipate being prepared for trial by September 2022.

4 **11. Jury or non-jury trial:** Trial will be by jury.

5 **12. The number of trial days reported:** The parties anticipate that trial will last 15 days.

6 **13. The names, addresses, and telephone numbers of all trial counsel:**

7 Mark Lindquist, WSBA #25076
8 Herrmann Law Group
9 505 Fifth Avenue South, Suite 330
10 Seattle, WA 98104
11 (206) 625-9104
12 *Attorney for Plaintiff*

13 Kerala T. Cowart, WSBA# 53649
14 Seattle City Attorney's Office
15 701 Fifth Avenue, Suite 2050
16 Seattle, WA 98104
17 (206) 733-9001
18 Email: Kerala.Cowart@seattle.gov
19 *Attorney for Defendant*

20 **14. Potential complications in setting trial dates:** The parties do not anticipate
21 problems setting trial dates in September 2022 or later.

22 **15. Service on all parties:** The Defendant has been served.

23 **16. Scheduling conference:** The parties do not anticipate requiring a scheduling
conference with the Court at this time.

17. Corporate disclosure statements for nongovernmental corporate parties: Not
applicable.

1 DATED this 18th day of August, 2021.

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